

1 Scott H. Jacobs (SBN 81980)  
shjacobs@reedsmith.com  
2 Abraham J. Colman (SBN 146933)  
acolman@reedsmith.com  
3 Natasha Sung (SBN 228633)  
nsung@reedsmith.com  
4 REED SMITH LLP  
355 S. Grand Avenue, Suite 2900  
5 Los Angeles, CA 90071  
Telephone: 213.457.8000  
6 Facsimile: 213.457.8080

7 Attorneys for Defendants CVS  
PHARMACY, INC. and CVS  
8 CORPORATION

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 MERRIMAK CAPITAL COMPANY,  
12 LLC, a California limited liability  
company

13 Plaintiff,

14 vs.

15 CVS PHARMACY, INC., a Rhode Island  
16 corporation; CVS CORPORATION, a  
Delaware corporation; INNOVATION  
17 ASSOCIATES, INC., a New York  
corporation; and DOES 1-100,

18 Defendants.  
19

Case No.: C 06-06680 BZ

**STIPULATION TO EXTEND TIME  
FOR DEFENDANTS TO RESPOND  
TO FIRST AMENDED COMPLAINT**

**[N.D. CAL. LOCAL RULE 6-1(a)]**

Honorable Charles R. Breyer

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

Pursuant to Local Rule 6-1(a), Plaintiff Merrimak Capital Company, LLC ("Plaintiff") and Defendants CVS Pharmacy, Inc., CVS Corporation. (collectively, "CVS") and Innovation Associates, Inc. ("Innovation"), by and through their respective attorneys of record, hereby stipulate that the time for CVS and Innovation to respond to Plaintiff's First Amended Complaint is extended by three weeks. Accordingly, Capital One shall file an answer or otherwise respond to Plaintiff's Complaint on or before January 23, 2007.

DATED: December 22, 2006.

PILLSBURY WINTHROP SHAW PITTMAN  
LLP

By /s/ Wesley C.J. Ehlers  
Wesley C.J. Ehlers  
Attorneys for Plaintiff  
Merrimak Capital Company, LLC

DATED: December 22, 2006.

REED SMITH LLP

By /s/ Natasha Sung  
Natasha Sung  
Attorneys for Defendants  
CVS Pharmacy, Inc. and CVS Corporation

DATED: December 22, 2006.

Mulvaney Kahan & Barry, LLP

By /s/ Lawrence Kahan  
Lawrence Kahan  
Attorneys for Defendant  
Innovation Associates, Inc.

January 3, 2007

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